

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

CASE NO. CR04-271 TSZ

Plaintiff,

V.

PHAALEN A. RIAL,

Defendant.

**PROPOSED FINDINGS OF
FACT AND DETERMINATION
AS TO ALLEGED VIOLATIONS
OF SUPERVISED RELEASE**

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on June 23, 2006. The United States was represented by Sue Harrison. The defendant was represented by Bruce Erickson. The proceedings were recorded on disk.

CONVICTION AND SENTENCE

Defendant had been convicted of Bank Fraud on or about September 24, 2004. The Hon. Thomas S. Zilly of this court sentenced Defendant to ninety (90) days of confinement, followed by five (5) years of supervised release.

The conditions of supervised release included requirements that defendant comply with the standard 13 conditions.

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DEFENDANT'S ADMISSION

USPO Jarred Akins alleged in his reports of March 6, 2006 and May 5, 2006, that the defendant violated the conditions of supervised release in 6 respects:

- (1) Failing to report within 72 hours of her release from custody, in violation of the general condition that she report to the probation officer within 72 hours of release from custody.
- (2) Failing to complete 180 days in a community corrections center, in violation of the special condition that she reside in and satisfactorily participate in a community corrections center and/or comprehensive sanctions center program as a condition of supervised release for up to 180 days.
- (3) Committing the crime of possession of stolen property second degree on May 1, 2006, in violation of the general condition that she not commit another federal, state, or local crime.
- (4) Possessing a controlled substance on May 1, 2006, in violation of standard condition No. 7.
- (5) Associating with a convicted felon on May 1, 2006, in violation of standard condition No. 9.
- (6) Making a false or misleading statement to a public servant on May 1, 2006, in violation of the general condition that she not commit another federal, state or local crime.

At an initial hearing, I advised the defendant of these charges and of her constitutional rights. At today's hearing Defendant admitted violations nos. 1 and 2, waived any hearing as to whether they occurred, and admitted violation no.3, *as modified from first degree to second degree*. The Government has agreed to dismiss violation nos. 4 through 6. The defendant consented to having the matter set for a disposition hearing before the Hon. Thomas S. Zilly.

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1 RECOMMENDED FINDINGS AND CONCLUSIONS

2 Based upon the foregoing, I recommend the court find that Defendant has violated the
3 conditions of her supervised release as alleged and set the matter for a disposition hearing.

4 Defendant has been detained pending a final determination by the court.

5 DATED this 27th day of June, 2006.

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8 MONICA J. BENTON
9 United States Magistrate Judge

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12 cc: Sentencing Judge : Hon. Thomas S. Zilly
13 Assistant U.S. Attorney : Sue Harrison
14 Defense Attorney : Bruce Erickson
15 U. S. Probation Officer : Jarred Akins
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